

REMARKS

Claims 1-38 are pending. By this Amendment, Applicants amend claims 1 and 13-15. No new matter is involved.

Applicants gratefully acknowledge the Office Action's indication that claims 1-12 and 16-38 are allowed. However, Applicants submit that all of claims 1-38 are allowable for at least the following reasons.

Initially, Applicants respectfully traverse the finality of the present Office Action. Because the only rejection in the present Office Action is a new ground of rejection that was not necessitated by Applicants' amendment, the finality is improper.

MPEP § 706.07(a) recites in part that "...a second or subsequent action on the merits shall be made final, except where the examiner introduces a new ground of rejection that is neither necessitated by applicant's amendment of the claims nor based on information submitted in an information disclosure statement..." (emphasis added). The present rejection of claims 13-15 under 35 U.S.C. § 112, second paragraph, was not asserted in any prior Office Action. Thus, the present rejection is a new rejection. Claims 13-15 are original claims. Thus, the present rejection cannot be necessitated by Applicants' amendment of those claims. Finally, the rejection cannot be based on information submitted in an Information Disclosure Statement since the rejection is not based on prior art.

Because the only rejection in the present Office Action is a new ground of rejection that was not necessitated by Applicants' amendment, Applicants' respectfully request that the finality be withdrawn.

Furthermore, Applicants respectfully assert that even if the finality of the present action could be considered proper (which Applicants traverse), Applicants' amendments to claims 13-15 should still be entered in accordance with 37 C.F.R. § 1.116.

Particularly, entry of the amendments is proper under 37 CFR § 1.116(b) because, as discussed below, the amendments comply "with objections or requirements as to form" (see MPEP § 714.12). Additionally, entry of the amendments is proper under 37 CFR § 1.116 because the amendments (a) place the application in condition for allowance (for the reasons discussed herein); (b) do not raise any new issue requiring further search and/or consideration because the amendments merely rewrite the dependent claims in independent form; (c) do not present any additional claims without canceling a corresponding number of finally rejected claims; and (e) place the application in better form for appeal, should an appeal be necessary. The amendments are necessary and were not earlier presented because they are made in response to a new ground of rejection raised in the final rejection. Applicants thus respectfully request entry of the amendments.

The Office Action rejects claims 13-15 under 35 USC § 112, second paragraph, as indefinite. Applicants respectfully traverse the rejection.

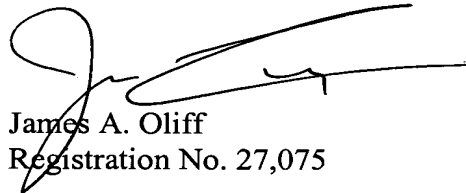
The Office Action asserts that claims 13-15 are indefinite since respective parent claims 1-3 appear to claim separate subject matter. However, original claims 13-15 do not recite the respective "game machines" of claims 1-3. Original claims 13-15 only recite the "synchronization data" as respectively defined within claims 1-3. The dependent portions of original claims 13-15 are merely shorthand for only those portions of claims 1-3 reciting the synchronization data. By this Amendment, Applicants amend claims 13-15 from dependent form into independent form. Amended claims 13-15 explicitly recite the portions of respective claims 1-3. Thus, Applicants respectfully submit that amended claims 13-15 are definite. Furthermore, because the amendments to claims 13-15 merely place them in independent form, Applicants respectfully submit that no new matter is added to claims.

Because claims 13-15 are definite, Applicants respectfully request withdrawal of the rejection.

For at least the aforementioned reasons, Applicants respectfully submit that the finality of the present action should be withdrawn, claims 13-15 should be examined on their merits, and claims 1-38 should be allowed.

Should the examiner believe that anything further is needed to place the application in even better condition for allowance, the examiner is invited to contact Applicants' undersigned representative at the telephone number listed below.

Respectfully submitted,



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Date: December 9, 2004

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